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## NOTICE OF ALLOWANCE AND FEE(S) DUE

28960 7590 10/14/2008

HAVERSTOCK & OWENS LLP  
162 N WOLFE ROAD  
SUNNYVALE, CA 94086

EXAMINER

HO, CHUONG T

ART UNIT

PAPER NUMBER

2419

DATE MAILED: 10/14/2008

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/550,008      | 05/11/2006  | Xiaobao Chen         | DYC-00500           | 6188             |

TITLE OF INVENTION: TELECOMMUNICATIONS APPARATUS AND METHOD

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO           | \$1510        | \$300               | \$0                  | \$1810           | 01/14/2009 |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

**HOW TO REPLY TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

## PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to:** **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax (571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

2890            7590            10/14/2008

**HAVERSTOCK & OWENS LLP**  
**162 N WOLFE ROAD**  
**SUNNYVALE, CA 94086**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

### **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

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| nonprovisional | NO           | \$1510         | \$300               | \$0                  | \$1810           | 01/14/2009 |
| EXAMINER       | ART UNIT     | CLASS-SUBCLASS |                     |                      |                  |            |
| HO, CHUONG T   | 2419         | 370-395520     |                     |                      |                  |            |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are submitted:

- Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- A check is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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| 28960   | 7590        | 10/14/2008           | EXAMINER            |                  |
| HAVERSTOCK & OWENS LLP<br>162 N WOLFE ROAD<br>SUNNYVALE, CA 94086 |             |                      |                     | HO, CHUONG T     |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
|   |             |                      |                     | 2419             |
| DATE MAILED: 10/14/2008   |             |                      |                     |                  |

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 461 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 461 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

|                               |                        |                     |  |
|-------------------------------|------------------------|---------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 10/550,008             | CHEN ET AL.         |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                               | CHUONG T. HO           | 2419                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 09/14/05.
2.  The allowed claim(s) is/are 1-21,24-25,28-68 renumbered 1-64.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date See Continuation Sheet
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_.

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date:  
07/28/08,01/28/08,12/12/05,09/14/05,03/16/07,12/27/06.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 01/28/08, 07/28/08, 03/16/07, 09/14/05, 12/12/05, 12/27/06 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Allowable Subject Matter***

2. Claims 1-7, 28-40, 8-13, 24-25, 41-46, 59-68, 14-21, 47-58 are allowed.

3. The following is a statement of reasons for the indication of allowable subject matter: Claim 1 is allowed. Krishmarajah et al. (Pub. No. 2003/0081592 A1) discloses a gateway support node (figure 7, GGSN) operable to provide an interface for communicating the data packets (figure 7, Internet) between the mobile communications\_user equipment (User Equipment) and the apacket data telecommunications network, (figure 7, internet ) a service support node (figure 7, SGSN) operable to communicate the data packets between the gateway support node (GGSN) and the mobile communications user equipment using a radio network controller (Radio Access network (RAN)) , the radio network controller being operable to provide a radio access bearer for communicating the data packets with the mobile communications\_user equipment (figure 7, User equipment “UE”),

wherein at least one of the gateway support node and the mobile\_communications user equipment are operable to parse the payload data in each data packet to determine a number of the plurality of different data types (figure 12); to form a transport frame (figure 12, AMR frame) for each data packet by combining the payload data for each data packet with the sub-flow indicator ([0054] subflow) , the transport flame being used to communicate each data packet between the gateway (figure 7, GGSN) support node and the radio network controller (figure 7, RCN 104) via the service support node(figure 7, SSGN) , and the data packets are communicated between the radio network controller (figure 7, RCN 104).

Lee (Pub. No.: US 2003/0021256 A1) discloses a gateway support node (figure 1, GGSN) operable to provide an interface for communicating the data packets (figure 1, Internet) between the mobile communications\_user equipment (User Equipment) and the a packet data telecommunications network, (figure 1, internet ) a service support node (figure 1, SGSN) operable to communicate the data packets between the gateway support node (GGSN) and the mobile communications user equipment using a radio network controller (Radio Access network (RAN)) , the radio network controller being operable to provide a radio access bearer for communicating the data packets with the mobile communications\_user equipment (figure 7, User equipment “UE” 100)

The prior art however fails to disclose wherein at least one of the gateway support node and the mobile\_communications user equipment are operable to parse the payload data

in each data packet to determine a number of data symbols in each of the different data types, to generate a radio access bearer sub-flow indicator providing an indication of the number of different types of data in the payload and the number of symbols in each different data type, and the mobile\_communications user equipment by detecting the sub-flow indicator , and in accordance with the sub-flow indicator arranging for the data from each of the different data fields to be communicated via a different radio access bearer providing different quality of service parameters appropriate for the different data type

Claim 8 is allowed. . Krishmarajah et al. '592' discloses providing an interface for communicating the data packets between the mobile communications\_user equipment (figure 7, User Equipment (UE) 102) and a packet data telecommunications network (figure 7, Internet), communicating the data packets between the interface and the mobile communications user equipment (figure 7, UE 102) using a radio network controller (figure 7, Radio Access Network (RAN) 104) , the radio network controller (Figure 7, Radio Access Network (RAN) 104) being operable to provide radio access bearers for communicating the data packets to and/or from the mobile communications user equipment (figure 7, UE 102) , wherein the communicating the data packets between the interface and the mobile communications\_user equipment comprises parsing the payload data in each data packet to determine a number of the plurality of different types of data (figure 12),

forming a transport frame for each data packet by combining the payload data for each data packet with the sub-flow indicator ([0054] subflows) , the transport frame being used to communicate each data packet between the interface and the radio network controller (figure 7, RCN 104) .

Lee (Pub. No.: US 2003/0021256 A1) discloses a gateway support node (figure 1, GGSN) operable to provide an interface for communicating the data packets (figure 1, Internet) between the mobile communications\_user equipment (User Equipment) and the a packet data telecommunications network, (figure 1, internet ) a service support node (figure 1, SGSN) operable to communicate the data packets between the gateway support node (GGSN) and the mobile communications user equipment using a radio network controller (Radio Access network (RAN)) , the radio network controller being operable to provide a radio access bearer for communicating the data packets with the mobile communications\_user equipment (figure 7, User equipment “UE” 100)

The prior art however fails to disclose parsing the payload data in each data packet to determine a number of data symbols in each of the different data types, generating a radio access bearer sub-flow indicator providing an indication of the number of different types of data in the payload and the number of symbols in each different data type; generating a radio access bearer sub-flow indicator providing an indication of the number of different types of data in the payload and the number of symbols in each different data type; and communicating the data packets between the mobile

communications\_user equipment and the radio network controller by detecting the sub-flow indicator, and in accordance with the sub-flow indicator arranging for the data from each of the different data fields to be communicated via a different radio access bearer providing different quality of service parameters appropriate for the different data type.

Claim 14 is allowed. Krishmarajah et al. '592' discloses data packet processing layer (figure 12,data divider 32) , and a user data tunnelling layer operable to provide a virtual channel for communicating the processed data packets via an intemet protocol communications layer (figure 12, IP layer processor 36), wherein the data packet processing layer is operable to parse the payload data in each data packet to determine a number of the plurality of different data types (figure 12) to form a transport frame for each data packet by combining the payload data for each data packet with the sub-flow indicator ([0054] subflows) , the transport frame being used to communicate each processed data packet between the gateway support node (figure 7, GGSN) and a radio network controller (figure 7, SGSN ) via a 16 service support node (figure 7, SGSN) using the user data tunnelling layer

The prior art however fails to disclose parsing the payload data in each data packet to determine a number of data symbols in each of the different data types, generating a radio access bearer sub-flow indicator providing an indication of the number of different types of data in the payload and the number of symbols in each different data type;

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG T. HO whose telephone number is (571)272-3133. The examiner can normally be reached on 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EDAN ORGAD can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

09/26/08

/Edan Orgad/  
Supervisory Patent Examiner, Art Unit 2419